

IN RE: PETITION FOR ZONING VARIANCE
N/S Blue Mount Road, 2250' W
of Wesley Chapel Road
(2120 Blue Mount Road)
10th Election District
3rd Councilmanic District
Robert C. Eppig, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-448-A

AMENDED ORDER

The Petitioner herein requested a variance from Section 400.1 of the B.C.Z.R. to permit an existing accessory structure to be located in the front yard in lieu of the required rear yard in accordance with the plan submitted herein and identified as Petitioner's Exhibit 1.

The relief requested was granted, subject to restrictions, by Order issued September 10, 1992.

By letter dated September 22, 1992, the Petitioner expressed concern regarding certain wording used in describing the subject property and the improvements thereon and requested a modification/clarification thereof.

I will treat Mr. Eppig's letter as a Motion for Reconsideration. The purpose of Mr. Eppig's request was for clarification of some minor issues concerning his use of an existing accessory structure, namely a one-car garage.

NOW, THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of October, 1992 that in consideration of the Petitioner's request, the Order issued September 10, 1992 be and the same shall hereby be AMENDED as follows:

- 1) The accessory structure referred to in said Order is a one-car garage and not a two-car garage as was previously stated.

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2) The garage in question was of the pre-built type and was simply delivered to and placed upon the Petitioner's property as opposed to being constructed from scratch by the Petitioner.

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued September 10, 1992 shall remain in full force and effect and nothing contained therein shall be changed but for the wording stated above which was for purposes of clarification only.

Any appeal from this decision shall be made within thirty (30) days from the date of this Amended Order and not from the date of the original Order.

TMK:bjs

cc: Mr. & Mrs. Robert C. Eppig
2120 Blue Mount Road, Monkton, Md. 21111

Mr. Ralph Nichols
1825 Blue Mount Road, Monkton, Md. 21111

People's Counsel

File

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/14/92
By [Signature]

- 2 -

MICROFILMED

IN RE: PETITION FOR ZONING VARIANCE
N/S Blue Mount Road, 2250' W
of Wesley Chapel Road
(2120 Blue Mount Road)
10th Election District
3rd Councilmanic District
Robert C. Eppig, et ux
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* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-448-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the Legal Owners of the subject property, Robert C. and Sylvia W. Eppig. The Petitioners request relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (two-car garage) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1.

This request was originally filed through the Administrative Variance procedure during which time a request for hearing was filed by a nearby property owner.

The Petitioners appeared and testified. Also appearing on behalf of the Petition was Ross Miller. Appearing as a Protestant in the matter was Ralph Nichols, the nearby property owner who requested this hearing.

Testimony indicated that the subject property, known as 2120 Blue Mount Road, consists of 3.35 acres more or less, zoned R.C. 4 and is improved with a single family dwelling and detached garage which is the subject of this case. The Petitioners filed the instant Petition as a result of a zoning violation notice they received concerning their use of the property and the subject garage which is located in the front yard. Testimony indicated that the garage was constructed approximately two

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Date 11/14/92
By [Signature]

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years ago to provide protective storage space for the Petitioners' antique automobiles. The Petitioners testified that due to the topography of the land and the location of the existing dwelling and septic drainage field to the rear of the dwelling, the only practical location for the garage was at the end of an existing driveway in the front yard. Testimony indicated that the garage is well-buffered by trees due to the fact that the remainder of the property is heavily wooded.

Ralph Nichols appeared and testified in opposition to the Petitioners' request. Mr. Nichols resides approximately 1/2 mile away from the subject property. Mr. Nichols testified that he is opposed to the granting of this variance due to the fact that the garage is visible from Blue Mount Road. He further testified that the B.C.Z.R. require the rear yard placement of garages and that strict compliance must be required.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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Date 11/14/92
By [Signature]

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It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the relief requested is not granted. To require the Petitioner to relocate the subject garage to the rear yard of his property would necessitate the removal of many mature trees as evidenced by various photographs marked Petitioner's Exhibit 2. Additionally, the Petitioners would have to extend their driveway a considerable distance to access the rear yard, again, necessitating the removal of many trees. Further, no adjoining property owners have complained regarding the subject garage which has been in existence for the past two years. Lastly, I find that the subject property, which is heavily wooded and located in a rural section of Baltimore County, is of sufficient size to support the subject garage. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

ORDER RECEIVED FOR FILING
Date 11/14/92
By [Signature]

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THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of September, 1992 that the Petition for Zoning Variance requesting relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (two-car garage) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted shall be rescinded and Petitioners would be required to file a new Petition.
- 2) The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) There shall be no service garage activity on the subject property, including, but not limited to, the restoration of antique vehicles. Use of said garage shall be limited to the storage of the Petitioners' personal vehicles only.
- 4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.
- 5) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/14/92
By [Signature]

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 10, 1992

Mr. & Mrs. Robert C. Eppig
2120 Blue Mount Road
Monkton, Maryland 21111

RE: PETITION FOR ZONING VARIANCE
N/S Blue Mount Road, 2250' W of Wesley Chapel Road
(2120 Blue Mount Road)
10th Election District - 3rd Councilmanic District
Robert C. Eppig, et ux - Petitioners
Case No. 92-448-A

Dear Mr. & Mrs. Eppig:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Ralph Nichols
1825 Blue Mount Road, Monkton, Md. 21111

People's Counsel

File

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/14/92
By [Signature]

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PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-448-A

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

400.1 - to permit an accessory building in the front yard.

of the Zoning Regulations of Baltimore County for the following reason: (unless hereby so stated)

Please see attached

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Current Purchaser:

(Type or print name)

(Signature)

Address

City State Zip Code

Address for Petitioner:

(Type or print name)

(Signature)

Address

City State Zip Code

Legal Owner(s)

Robert C. Eppig

[Signature]

Sylvia W. Eppig

(Type or print name)

[Signature]

2120 Blue Mount Rd

Monkton MD 21111

Phone 352-4009

Home, telephone and phone number of owner, contact person or person to be contacted.

Robert C. Eppig

[Signature]

2120 Blue Mount Rd

Monkton MD 21111

Phone 352-4009 (H)

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of September, 1992, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reported.



ZONING COMMISSIONER OF BALTIMORE COUNTY

APPROVED BY [Signature] DATE 11/14/92

APPROVED BY [Signature] DATE 11/14/92

APPROVED BY [Signature] DATE 11/14/92

APPROVED BY [Signature] DATE 11/14/92

APPROVED BY [Signature] DATE 11/14/92

APPROVED BY [Signature] DATE 11/14/92

APPROVED BY [Signature] DATE 11/14/92

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APPROVED BY [Signature] DATE 11/14/92

APPROVED BY [Signature] DATE 11/14/92

APPROVED BY [Signature] DATE 11/14/92

APPROVED BY [Signature] DATE 11/14/92

APPROVED BY [Signature] DATE 11/14/92

Sept. 22, 1992

Dear Mr. Kotroco,

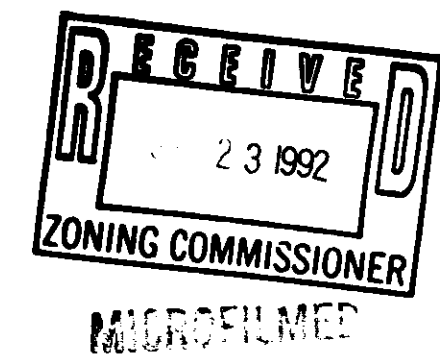
As you requested when we talked by phone on Sept 21, I am enclosing my comments/concerns with the wording of your ruling #92-448-A. I have circled the concerns on a copy of the ruling.

1. "two-car garage" - It is a one car garage.
2. "hearing was filed by a nearby property owner" - I understand that since Mr. Nichols was outside the 1000 foot distance limit as required by the "Administrative Procedure" this hearing was ordered by Mr. Schmidt, the Zoning Commissioner.
3. "constructed" - The garage was purchased pre-built and placed on the property (similar to garden sheds you can buy at Sears).
4. "provide protective storage" - This is correct, except I believe I also said I work on my car in the garage. Therefore, it is more than protective storage.
5. "restriction #3" - If, as per our conversation, I can do minor service work (ie. oil change, rotate tires, change spark plugs, etc.) on my car in the garage, should the wording "limited to storage...only" be there?

Please understand I am not trying to be a pain in the neck, but ten years from now, if I try to sell or improve my home I do not want this to come back and haunt me. Also, I now have a neighbor who is watching me, and I sure do not want to go through this again. I would like to understand and would like Mr. Nichols to understand what I can and can not do.

Thank you very much for talking with me and being so helpful. Please call or write me if you need anything from me.

Robert Eppig
2120 Blue Mount Rd.
Monkton, Md. 21111
785-6250 work phone from 7 AM - 4 PM



ZONING ENFORCEMENT

ZONING VIOLATION CORRECTION NOTICE

March 11, 1992

Mr. and Mrs. Robert W. Eppig
2120 Blumount Road
Monkton, Maryland 21111

Re: Case No.: C-92-1936
Location: 2120 Blumount Road
10th Election District

Dear Mr. and Mrs. Eppig:

Under the Baltimore County Zoning Regulations, Sections 101; 102.1; 400; 1A03.3A; and 428, it is not permitted to:

1. have an accessory structure (garage) located in the front yard
2. do extensive motor vehicle repair on residential property
3. store unlicensed motor vehicles outside of an enclosed structure

on property with a zoning classification of R.C.4.

This office is requesting that the alleged violation(s) listed below be corrected by April 10, 1992.

1. Apply for a zoning variance for an accessory structure in the front yard or remove the structure.
2. Cease all service garage activity.
3. Keep all unlicensed motor vehicles in an enclosed structure.

Failure to do so will result in a citation being issued imposing monetary fines of \$200.00 per day/per violation (Section 26-121, Baltimore County Code).

Hopefully, through your cooperation, the alleged violation(s) can be resolved without fines being levied and/or district/circuit court action.

If further clarification is necessary as to this matter, please contact this office at 887-3351.

INSPECTOR: Donna Thompson

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

June 22, 1992

(410) 887-3353

Robert and Sylvia M. Eppig
2120 Blue Mount Road
Monkton, Maryland 21111

Re: CASE NUMBER: 92-448-A

Dear Petitioners:

Please be informed that your file has been reviewed. The Commissioner's Office has determined that this matter be set in for public hearing.

As you recall, it now becomes necessary to repost the property and run notice of the hearing in a Baltimore County newspaper and that you will be billed for the reposting and advertising costs.

Formal notification of the hearing date will be forwarded to you shortly.

Very truly yours,

Laurence S. Schmidt
Laurence S. Schmidt

Zoning Commissioner
of Baltimore County, Maryland

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6/10/92

Memo to File #92-448-A
Administrative Variance for Robert Eppig
2120 Blue Mount Road

A Mr. Ralph Nichols came to the office regarding the above matter.

Mr. Nichols came in to make a verbal request for hearing in this case. He was advised that the request must be done in written form. While writing up the Request form, it was learned that Mr. Nichols' residence is more than 1000 ft. removed from the property under petition. As such, he may not file the formal request for hearing.

Mr. Nichols also called our attention to the violation case pertaining to this property. The Enforcement notice dated 3/11/92 now on file, was supplied by Mr. Nichols. The Petitioner made no mention of the violations when filing the petition.

Set case in for hearing, although Nichols does not live upon lot, he apparently does live upon close proximity. Under code, I can mandate a hearing, which I will do in this case. This will allow issues to be openly considered & advise petitioners that if structure is allowed to remain, there are limits on its use (i.e. same group)
Set for hearing
6/10/92

PROTESTANT(S) SIGN-IN SHEET

NAME: Ralph Nichols ADDRESS: 1825 Blue Mt. Rd. 21111

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME: ROBERT EPPIG ADDRESS: 2120 BLUEMOUNT RD Monkton 21111
Sylvia Eppig 2120 Blumount Rd Monkton 21111
Pass Miller 781 WHITE HILL RD WHITE HILL, MD 21161

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THE ZONING COMMISSIONERS FOR BALTIMORE COUNTY

Re: Case Number: 92-448-A
Petitioner(s): Robert Eppig
Location: *****

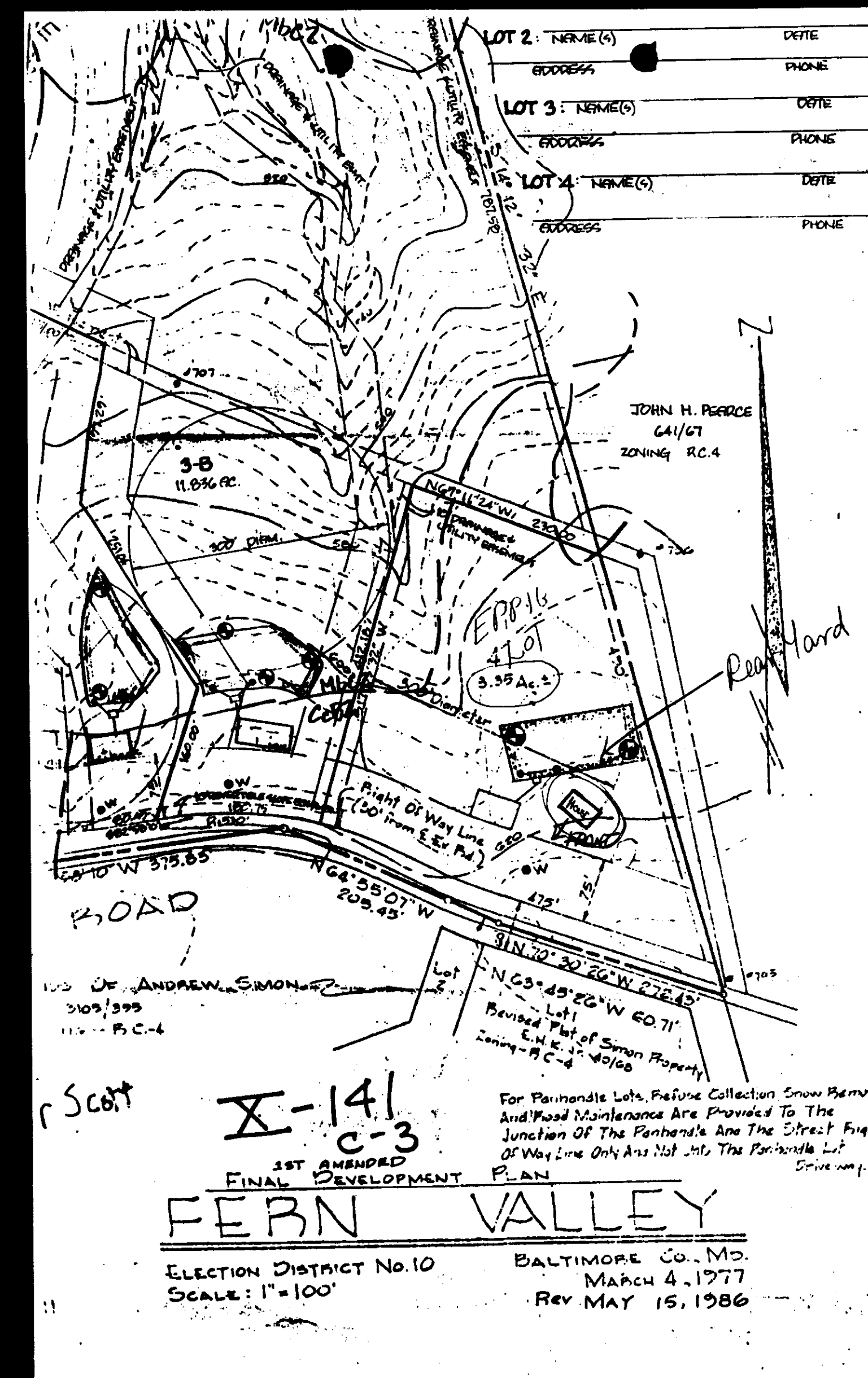
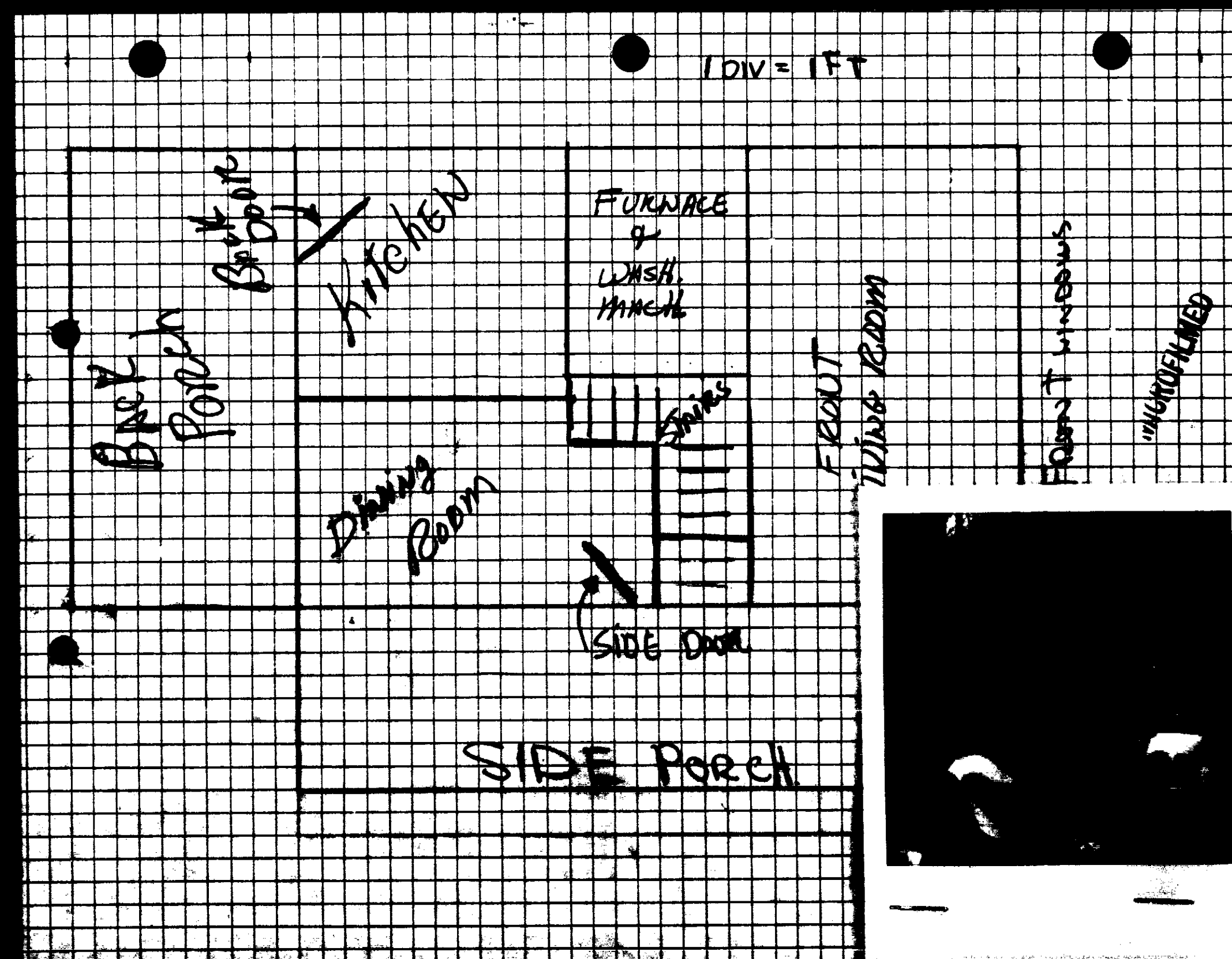
I/We, Ralph Nichols
() () () () () ()
() () () () () ()
() () () () () ()
1825 BLUEMOUNT RD
MONKTON MD 21111
City/State/Zip Code 357-8017

* which is located approximately 357-8017 feet from the property which is the subject of the above petition, do hereby formally request that a public hearing be set in this matter.

Signature: _____ Date: _____
Signature: _____ Date: _____

** More than 1000' from property.*

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92-448-A

92-448-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 2120 BLUEMOUNT RD., MONTGOMERY, MD.

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: FEARN VALLEY
plat book# 41, folio# 098, lot# 0004, section# —

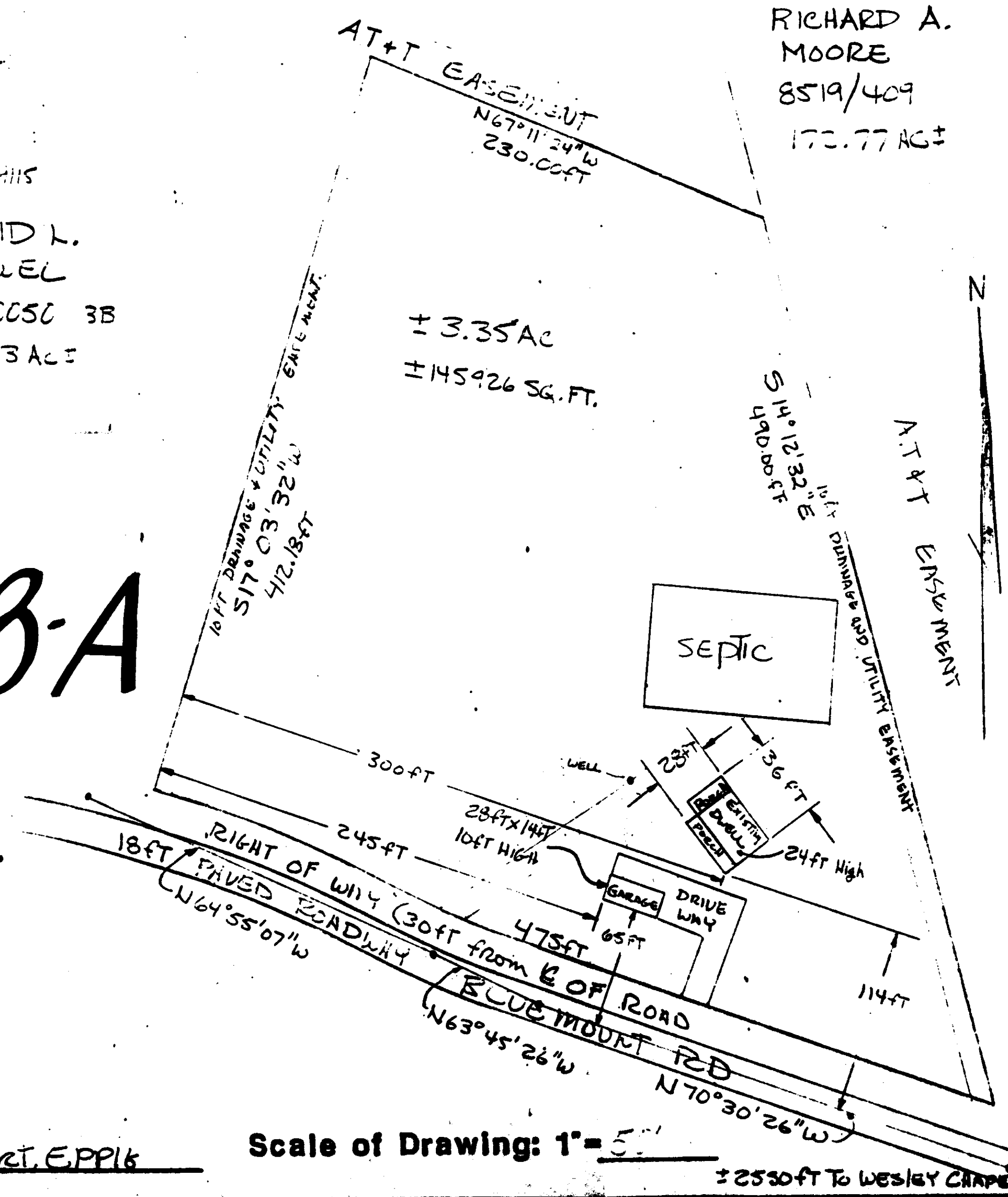
OWNER: ROBERT + SYLVIA EPPLE

POL #192
Said #8
MAP #23
PROP #2000001115

DAVID L.
DOWEL
7271/0050 3B
11.83 AC±

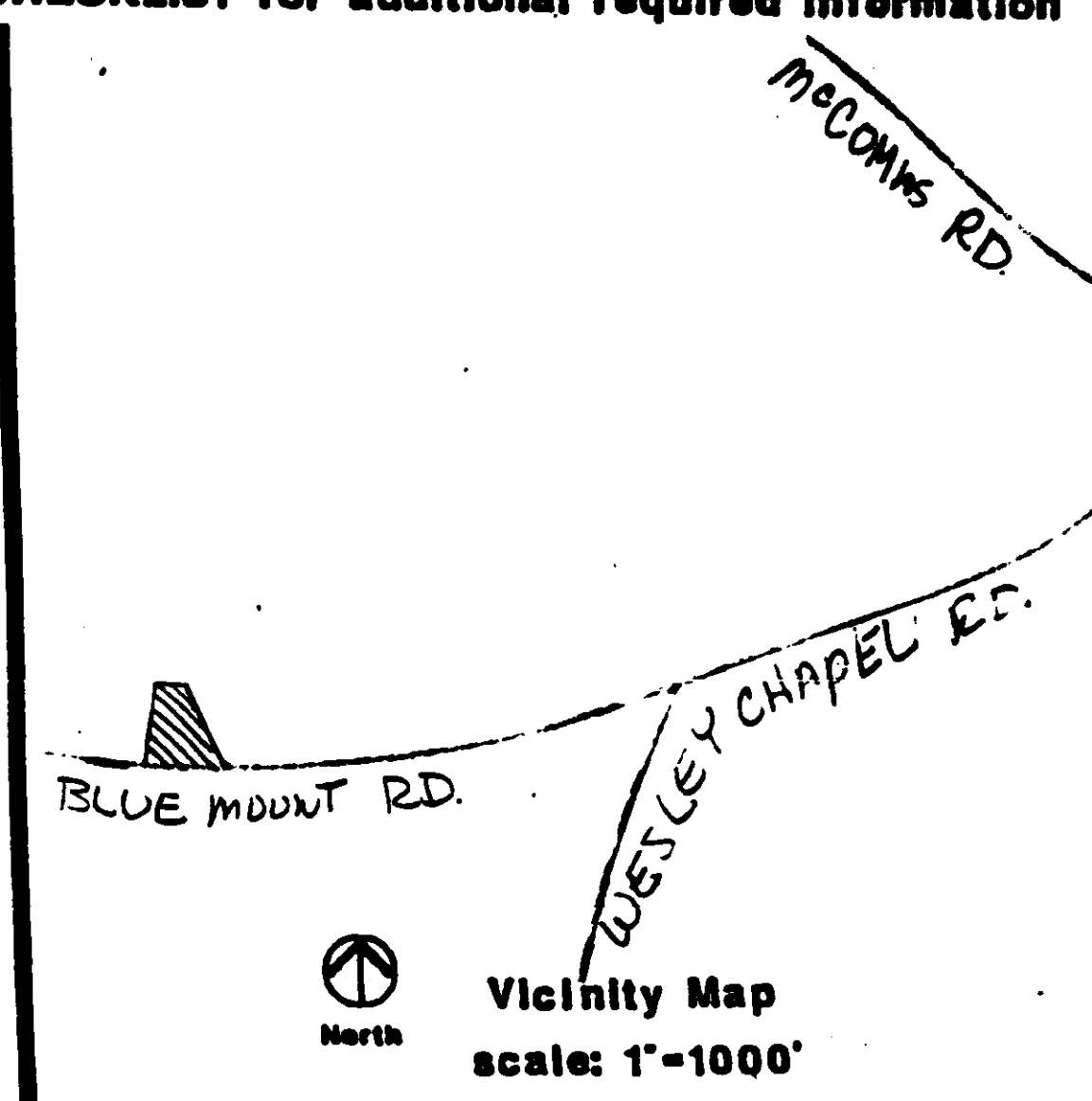
RICHARD A.
MOORE
8519/409
173.77 AC±

92-448-A



North
date: 5/8/92
prepared by: ROBERT EPPLE

Scale of Drawing: 1" = 5'



LOCATION INFORMATION

Councilmanic District: 3RD

Election District: NO. 10

1"=200' scale map#:

Zoning: RC 4

Lot size: ± 3.35 acreage ± 145,926 square feet

Pet Ex #1
SEWER: ☐ public ☒ private
WATER: ☐ yes ☒ no

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings:

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Zoning Office USE ONLY!

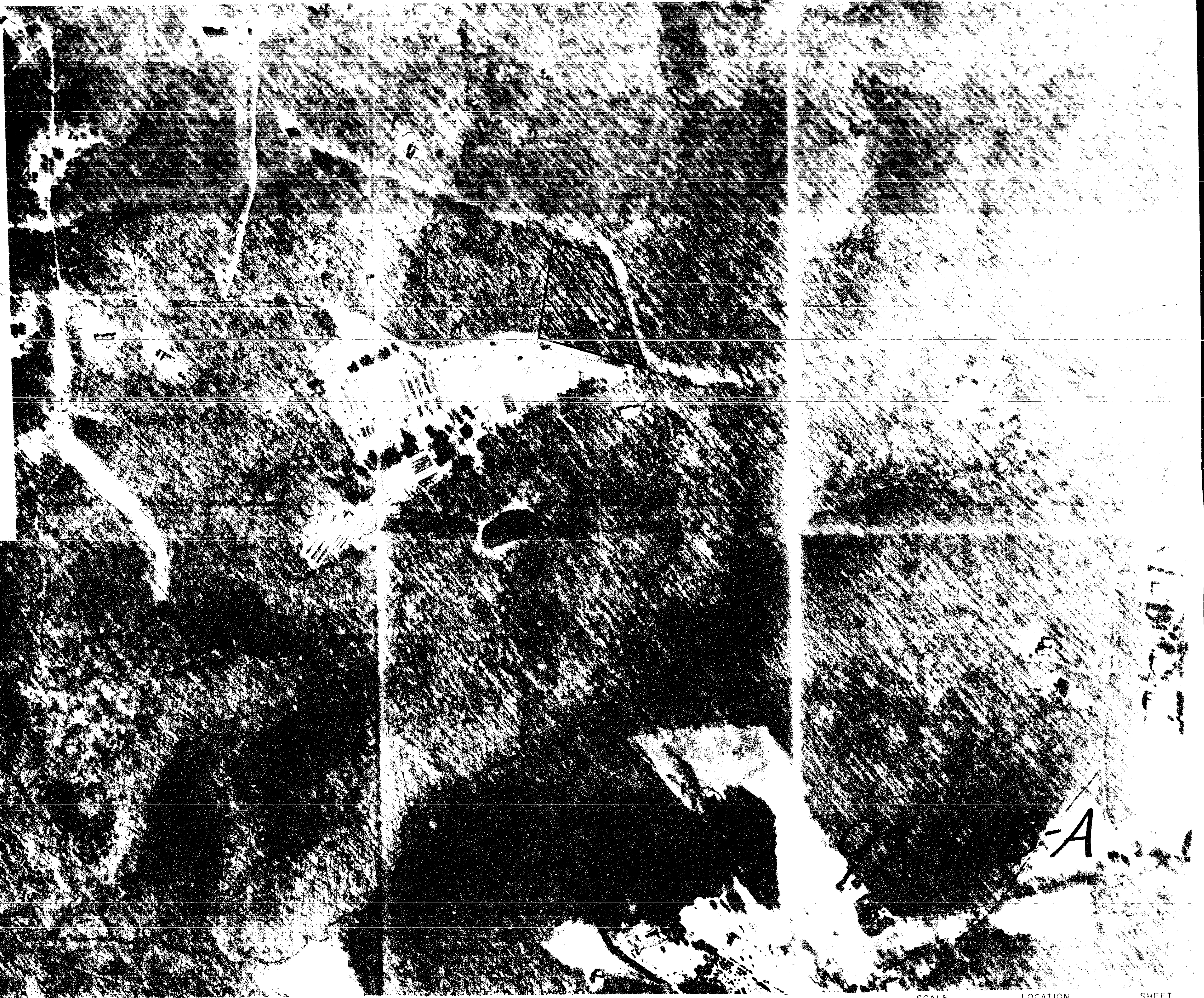
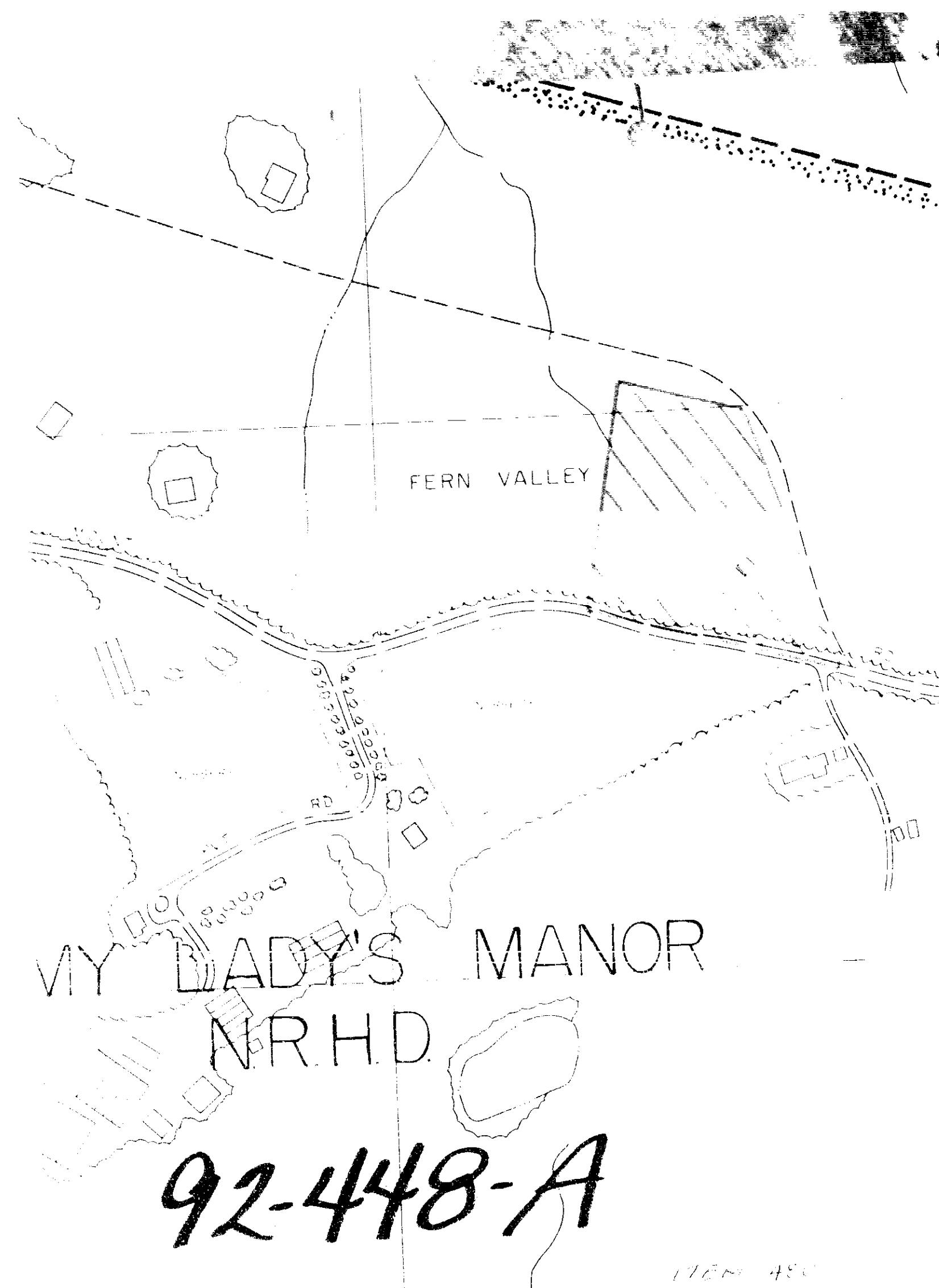
reviewed by: ITEM #: CASE#:

Pet Ex #2

92-4

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BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200'	EAST OF	NE
DATE OF PHOTOGRAPHY	BLUE MOUNT	SA
JANUARY		ITEM 480

MICROFILMED

92-448-A AFFIDAVIT IN SUPPORT OF ADMINISTRATIVE VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) have consented to such variance in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 2120 Blue Mount Rd

Monkton MD 21111

That based upon personal knowledge, the following are the facts upon which I/we have the request for an Administrative Variance at the above address: (attach hereto a printed affidavit)

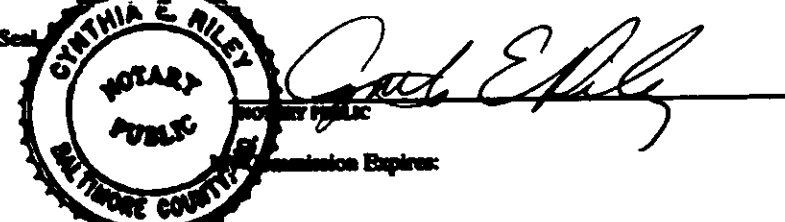
Please see attached

The Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Robert C. Eppig Sylvia W. Eppig
Robert C. Eppig Sylvia W. Eppig

STATE OF MARYLAND, COUNTY OF BALTIMORE, ss: I, Robert C. Eppig, being duly sworn, depose and say that the foregoing is true and correct to the best of my knowledge and belief.

AS WITNESS my hand and Notarial Seal this 5-13-92 day of MAY 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared



MICROFILMED

PETITION FOR ADMINISTRATIVE VARIANCE

at 2120 Blue Mount Rd
Monkton, MD 21111

by Robert and Sylvia Eppig

Reasons For Request:

1. The accessory building has been at this location for approximately 2 years.
2. The garage was placed on an existing bare area between large trees, that was due to a dry well drilled at time of construction of the house. Minimal grading was required for its placement. The process of moving it to any other location behind the house would require removing several very large and a number of smaller trees that are on the top and side of the hill. Extra grading would also be required, due to the hillside location of the back yard. Tree removal and grading go against the intent of the watershed designation of the property and would reduce the woodland environment of the house.
3. The septic system occupies a large area of the back yard near the house. There is also a development regulation requiring a 50' setback from the property boundaries for all buildings. Placing the structure in the rear of the house while avoiding the septic system and the 50' setback would place it unacceptably far from the road and the house.

MICROFILMED 480

ZONING DESCRIPTION FOR 2120 BLUE MOUNT RD

Beginning at a point on the NORTH side of BLUE MOUNT RD. which is +/- 18 feet wide at the distance of +/- 2550 feet WEST of the centerline of the nearest improved intersecting street, WESLEY CHAPEL RD., which is +/- 28 feet wide. As recorded in Deed Liber #5976, Folio #4422 and include the measurements and directions here: S. 14° 12' 32" E. 490 ft., N. 67° 11' 24" W. 230 ft., S. 17° 03' 32" W. 412.18 ft., N. 64° 55' 07" W. 205.45 ft., N. 63° 45' 26" W. 68.71 ft., N. 70° 30' 26" E. 272.43 ft. to the place of beginning and containing +/- 3.358 ACRES. Also known as 2120 BLUE MOUNT RD. and located in the 19th Election District.

MICROFILMED

ITEM 480

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 92-448-A Towson, Maryland

District 19th Date of Posting 5/28/92
Posted for: Robert C. Eppig, Sylvia W. Eppig
Location of property: N.E. Blue Mount Rd. (2120), 2550' W. Wesley Chapel Rd.
Location of Sign: Facing W. on W. side of property of R. Eppig
Remarks: None
Posted by: M. Schmitt Date of return: 6/1/92
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 7/17, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/16, 1992

THE JEFFERSONIAN,

S. Zake Orlov
Publisher

MICROFILMED

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6180
Number

5/19/92 199200480

PUBLIC HEARING FEES QTY PRICE
010 - ZONING VARIANCE CASE 1 \$50.00
080 - POSTING SIGNS / ADVERTISING 1 \$35.00
TOTAL \$85.00

LAST NAME OF OWNER: EPPIG

040480020NCHRC \$85.00
BA C00319PH05-14-92
Please Make Checks Payable To: Baltimore County

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 7/31/92

Robert and Sylvia Eppig
2120 Blue Mount Road
Monkton, Maryland 21111

RE: 92-448-A (Item 480)
N/E Blue Mount Road, 2550' W of Wesley Chapel Road
2120 Blue Mount Road
10th Election District - 3rd Councilmatic
Petitioner(s): Robert and Sylvia Eppig
HEARING: THURSDAY, AUGUST 6, 1992 at 9:00 a.m. in Rm. 106, Office Building.

Dear Petitioner(s):

Please be advised that \$ 61.93 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE HEARING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE ORDER SHALL NOT BE RETURNED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 106, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Carl John

ARNELO JAMES
DIRECTOR

MICROFILMED

111 West Chesapeake Avenue
Towson, MD 21204

May 28, 1992

887-3353

Robert and Sylvia Eppig
2120 Blue Mount Road
Monkton, Maryland 21111

Re: CASE NUMBER: 92-448-A
LOCATION: N/E Blue Mount Road, 2550' W of Wesley Chapel Road
2120 Blue Mount Road
10th Election District - 3rd Councilmatic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before May 31, 1992. The closing date is June 15, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schmitt
Lawrence E. Schmitt

Zoning Commissioner, Baltimore County

MICROFILMED

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 6, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

92-448-A (Item 480)
N/E Blue Mount Road, 2550' W of Wesley Chapel Road
2120 Blue Mount Road
10th Election District - 3rd Councilmatic
Petitioner(s): Robert and Sylvia Eppig
HEARING: THURSDAY, AUGUST 6, 1992 at 9:00 a.m. in Rm. 106, Office Building.

Variance to permit an accessory building in the front yard.

Lawrence E. Schmitt
Lawrence E. Schmitt

Zoning Commissioner of
Baltimore County

cc: Robert and Sylvia Eppig
Ralph Nichols

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

MICROFILMED

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
8/6/92
hearing

Account: R-001-6180
Number

8/07/92 92-448

PUBLIC HEARING FEES QTY PRICE
080 - POSTING SIGNS / ADVERTISING 1 X \$61.93
TOTAL: \$61.93

LAST NAME OF OWNER: EPPIG

Please Make Checks Payable To: Baltimore County
BA C00114PH08-07-92 \$61.93

MICROFILMED

Cashier Validation

Mr. & Mrs. Robert C. Eppig
2120 Blue Mount Road
Monkton, MD 21111

RE: Item No. 480, Case No. 92-448-A
Petitioner: Robert C. Eppig, et ux
Petition for Administrative Variance

Dear Mr. & Mrs. Eppig:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate that the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning Management attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Your petition has been received and accepted for filing this

14th day of May, 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richards Jr.
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Robert C. Eppig, et ux

Petitioner's Attorney:

MICROFILMED

DPW/Developers Engineering Division (Public Services) Development Review Committee Response Form Authorized signature _____ Date 6/18/92			
Project Name File Number	Waiver Number	Zoning Issue	Meeting Date
✓ Stephen G. And Lynn M. Swimm	477		6-1-92 NC
DED DEPRM RP STP TE			
✓ Albert F. And Ann B. Nocar	478		NC
DED DEPRM RP STP TE			
Maryland Marine Manufacturing Co., Inc.	479		Comment
DED DEPRM RP STP TE			
✓ Robert C. And Sylvia W. Eppig			NC
DED DEPRM RP STP TE			
✓ James Ronald And Beth B. Porter	481		NC
DED DEPRM RP STP TE			
✓ Nelson H. And Lee M. Hendler	485		NC
DED DEPRM RP STP TE			
Leon G. McKeny	486		Comment
DED DEPRM RP STP TE			
Williams Management Services, Inc.	487		Comment
DED DEPRM RP STP TE			
✓ John M. And Karen R. Jacob	488		NC
DED DEPRM RP STP TE			
Matthew F. Reckenberger, Jr.	490		Comment
DED DEPRM RP STP TE			
✓ Herbert M. And Betty Rosen	491		NC
DED DEPRM RP STP TE			
Meadows Park Ltd. Prtnrsh Russel Asset Mgt, Inc.	492		Comment
DED DEPRM RP STP TE			

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING AND ZONING
New Courts Building
401 Bosley Avenue
Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief
Development Review Section
Office of Planning and Zoning

DATE: June 5, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - June 1, 1992

The Office of Planning and Zoning has no comments on the following petitions:

George S. Nyquist	- Item 474
Stephen G. Swimm	- Item 477
Albert F. Nocar Jr.	- Item 478
Maryland Marine Mfg. Co.	- Item 479
Robert C. Eppig	- Item 480
James R. Porter	- Item 481
Dorothy S. Hunter	- Item 482
St. Lukes Health Ministries	- Item 484
Williams Estates	- Item 487
John M. Jacob	- Item 488
Gene Enzor	- Item 489
Lawrence F. Solomon	- Item 493

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

6.5.92.txt
Petitns.txt

PW/Traffic Engineering Development Review Committee Response Form Authorized signature _____ Date 6/18/92			
Project Name File Number	Waiver Number	Zoning Issue	Meeting Date
✓ Stephen G. And Lynn M. Swimm	477	NIC	6-1-92
DED DEPRM RP STP TE			
Albert F. And Ann B. Nocar	478	More Time	
DED DEPRM RP STP TE			
Maryland Marine Manufacturing Co., Inc.	479	More Time	
DED DEPRM RP STP TE			
✓ Robert C. And Sylvia W. Eppig		NIC	
DED DEPRM RP STP TE			
✓ James Ronald And Beth B. Porter	481	NIC	
DED DEPRM RP STP TE			
✓ Nelson H. And Lee M. Hendler	485	NIC	
DED DEPRM RP STP TE			
✓ Leon G. McKeny	486	NIC	
DED DEPRM RP STP TE			
✓ Williams Management Services, Inc.	487	NIC	
DED DEPRM RP STP TE			
✓ John M. And Karen R. Jacob	488	NIC	
DED DEPRM RP STP TE			
✓ Matthew F. Reckenberger, Jr.	490	NIC	
DED DEPRM RP STP TE			
✓ Herbert M. And Betty Rosen	491	NIC	
DED DEPRM RP STP TE			
✓ Meadows Park Ltd. Prtnrsh Russel Asset Mgt, Inc.	492	NIC	
DED DEPRM RP STP TE			

MICROFILMED

Baltimore County Government
Fire Department
700 East Joppa Road, Suite 901
Towson, MD 21204-5500
MAY 27, 1992
(301) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ROBERT C. EPPIG AND SYLVIA W. EPPIG
Location: #2120 MOUNT ROAD
Item No.: *480 (LEO) Zoning Agenda: JUNE 1, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John J. Smith* Noted and Approved
Planning Group
Special Inspection Division
Fire Prevention Bureau

JP/KEK

RECEIVED
MAY 29 1992
ZONING OFFICE

MICROFILMED

Department of Recreation and Parks Development Review Committee Response Form Authorized signature _____ Date 6/18/92			
Project Name File Number	Waiver Number	Zoning Issue	Meeting Date
✓ Stephen G. And Lynn M. Swimm	477	No Comment	6-1-92
DED DEPRM RP STP TE			
✓ Albert F. And Ann B. Nocar	478	No Comment	
DED DEPRM RP STP TE			
✓ Maryland Marine Manufacturing Co., Inc.	479	No Comment	
DED DEPRM RP STP TE			
✓ Robert C. And Sylvia W. Eppig		No Comment	
DED DEPRM RP STP TE			
✓ James Ronald And Beth B. Porter	481	No Comment	
DED DEPRM RP STP TE			
✓ Nelson H. And Lee M. Hendler	485	No Comment	
DED DEPRM RP STP TE			
✓ Leon G. McKeny	486	No Comment	
DED DEPRM RP STP TE			
✓ Williams Management Services, Inc.	487	No Comment	
DED DEPRM RP STP TE			
✓ John M. And Karen R. Jacob	488	No Comment	
DED DEPRM RP STP TE			
✓ Matthew F. Reckenberger, Jr.	490	No Comment	
DED DEPRM RP STP TE			
✓ Herbert M. And Betty Rosen	491	No Comment	
DED DEPRM RP STP TE			
✓ Meadows Park Ltd. Prtnrsh Russel Asset Mgt, Inc.	492	No Comment	
DED DEPRM RP STP TE			

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92-448-A 6-15-92 6384-92
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 12, 1992

FROM: Mr. J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item 480
#2120 Blumount Road
Zoning Advisory Committee Meeting of June 1, 1992

The Department of Environmental Protection and Resource Management has no comments on the above referenced zoning item.

LJP:sp

JABLON/S/TXTSBP

RECEIVED
JUN 16 1992
ZONING OFFICE

Sept. 22, 1992

Dear Mr. Kotroco,

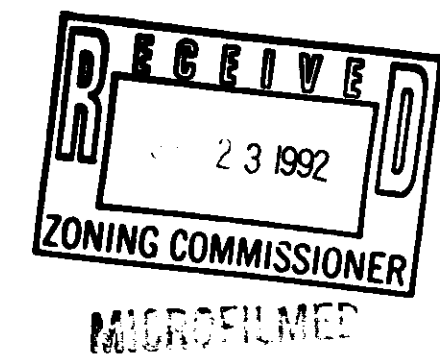
As you requested when we talked by phone on Sept 21, I am enclosing my comments/concerns with the wording of your ruling #92-448-A. I have circled the concerns on a copy of the ruling.

1. "two-car garage" - It is a one car garage.
2. "hearing was filed by a nearby property owner" - I understand that since Mr. Nichols was outside the 1000 foot distance limit as required by the "Administrative Procedure" this hearing was ordered by Mr. Schmidt, the Zoning Commissioner.
3. "constructed" - The garage was purchased pre-built and placed on the property (similar to garden sheds you can buy at Sears).
4. "provide protective storage" - This is correct, except I believe I also said I work on my car in the garage. Therefore, it is more than protective storage.
5. "restriction #3" - If, as per our conversation, I can do minor service work (ie. oil change, rotate tires, change spark plugs, etc.) on my car in the garage, should the wording "limited to storage...only" be there?

Please understand I am not trying to be a pain in the neck, but ten years from now, if I try to sell or improve my home I do not want this to come back and haunt me. Also, I now have a neighbor who is watching me, and I sure do not want to go through this again. I would like to understand and would like Mr. Nichols to understand what I can and can not do.

Thank you very much for talking with me and being so helpful. Please call or write me if you need anything from me.

Robert Eppig
2120 Blue Mount Rd.
Monkton, Md. 21111
785-6250 work phone from 7 AM - 4 PM



ZONING ENFORCEMENT

ZONING VIOLATION CORRECTION NOTICE

March 11, 1992

Mr. and Mrs. Robert W. Eppig
2120 Blue Mount Road
Monkton, Maryland 21111

Re: Case No.: C-92-1936
Location: 2120 Blue Mount Road
10th Election District

Dear Mr. and Mrs. Eppig:

Under the Baltimore County Zoning Regulations, Sections 101; 102.1; 400; 1A03.3A; and 428, it is not permitted to:

1. have an accessory structure (garage) located in the front yard
2. do extensive motor vehicle repair on residential property
3. store unlicensed motor vehicles outside of an enclosed structure

on property with a zoning classification of R.C.4.

This office is requesting that the alleged violation(s) listed below be corrected by April 10, 1992.

1. Apply for a zoning variance for an accessory structure in the front yard or remove the structure.
2. Cease all service garage activity.
3. Keep all unlicensed motor vehicles in an enclosed structure.

Failure to do so will result in a citation being issued imposing monetary fines of \$200.00 per day/per violation (Section 26-121, Baltimore County Code).

Hopefully, through your cooperation, the alleged violation(s) can be resolved without fines being levied and/or district/circuit court action.

If further clarification is necessary as to this matter, please contact this office at 887-3351.

INSPECTOR: Donna Thompson

MICROFILMED

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

June 22, 1992

(410) 887-3353

Robert and Sylvia W. Eppig
2120 Blue Mount Road
Monkton, Maryland 21111

Re: CASE NUMBER: 92-448-A

Dear Petitioners:

Please be informed that your file has been reviewed. The Commissioner's Office has determined that this matter be set in for public hearing.

As you recall, it now becomes necessary to repost the property and run notice of the hearing in a Baltimore County newspaper and that you will be billed for the reposting and advertising costs.

Formal notification of the hearing date will be forwarded to you shortly.

Very truly yours,

Laurence S. Schmidt
Laurence S. Schmidt

Zoning Commissioner
of Baltimore County, Maryland

MICROFILMED

6/10/92

Memo to File #92-448-A
Administrative Variance for Robert Eppig
2120 Blue Mount Road

A Mr. Ralph Nichols came to the office regarding the above matter.

Mr. Nichols came in to make a verbal request for hearing in this case. He was advised that the request must be done in written form. While writing up the Request form, it was learned that Mr. Nichols' residence is more than 1000 ft. removed from the property under petition. As such, he may not file the formal request for hearing.

Mr. Nichols also called our attention to the violation case pertaining to this property. The Enforcement notice dated 3/11/92 now on file, was supplied by Mr. Nichols. The Petitioner made no mention of the violations when filing the petition.

Set case in for hearing, although Nichols does not live upon lot, he apparently does live upon close proximity. Under code, I can mandate a hearing, which I will do in this case. This will allow issues to be openly considered & advise petitioners that if structure is allowed to remain, there are limits on its use (i.e. same group)
Set for hearing
6/10/92

PROTESTANT(S) SIGN-IN SHEET

NAME: Ralph Nichols ADDRESS: 1825 Blue Mt. Rd. 21111

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME: ROBERT EPPIG ADDRESS: 2120 BLUE MOUNT RD Monkton 21111
Sylvia Eppig 2120 Blue Mount Rd Monkton 21111
Pass Miller 781 WHITE HILL RD WHITE HILL, MD 21161

THE ZONING COMMISSIONERS FOR BALTIMORE COUNTY

Re: Case Number: 92-448-A
Petitioner(s): Robert Eppig
Location: *****

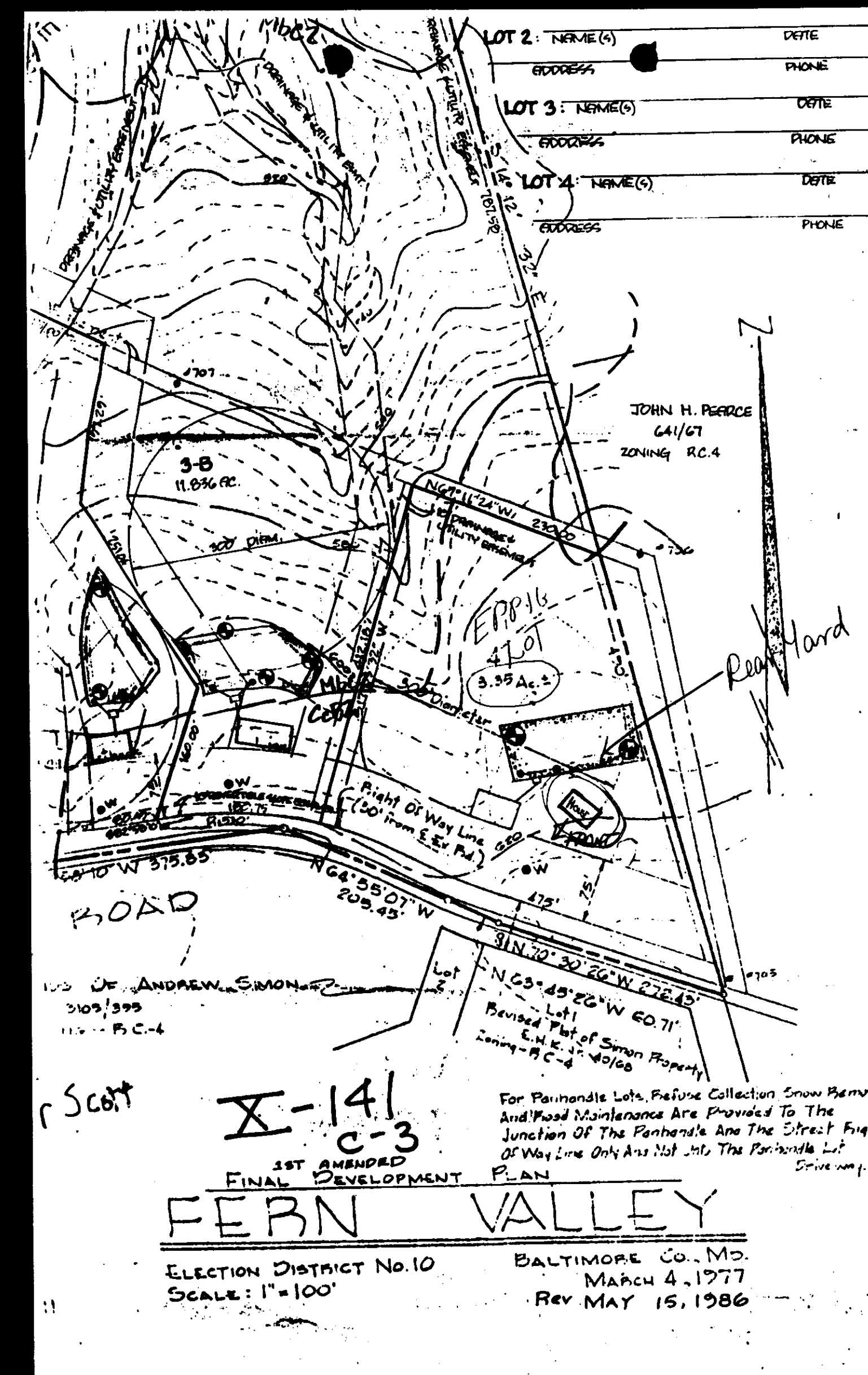
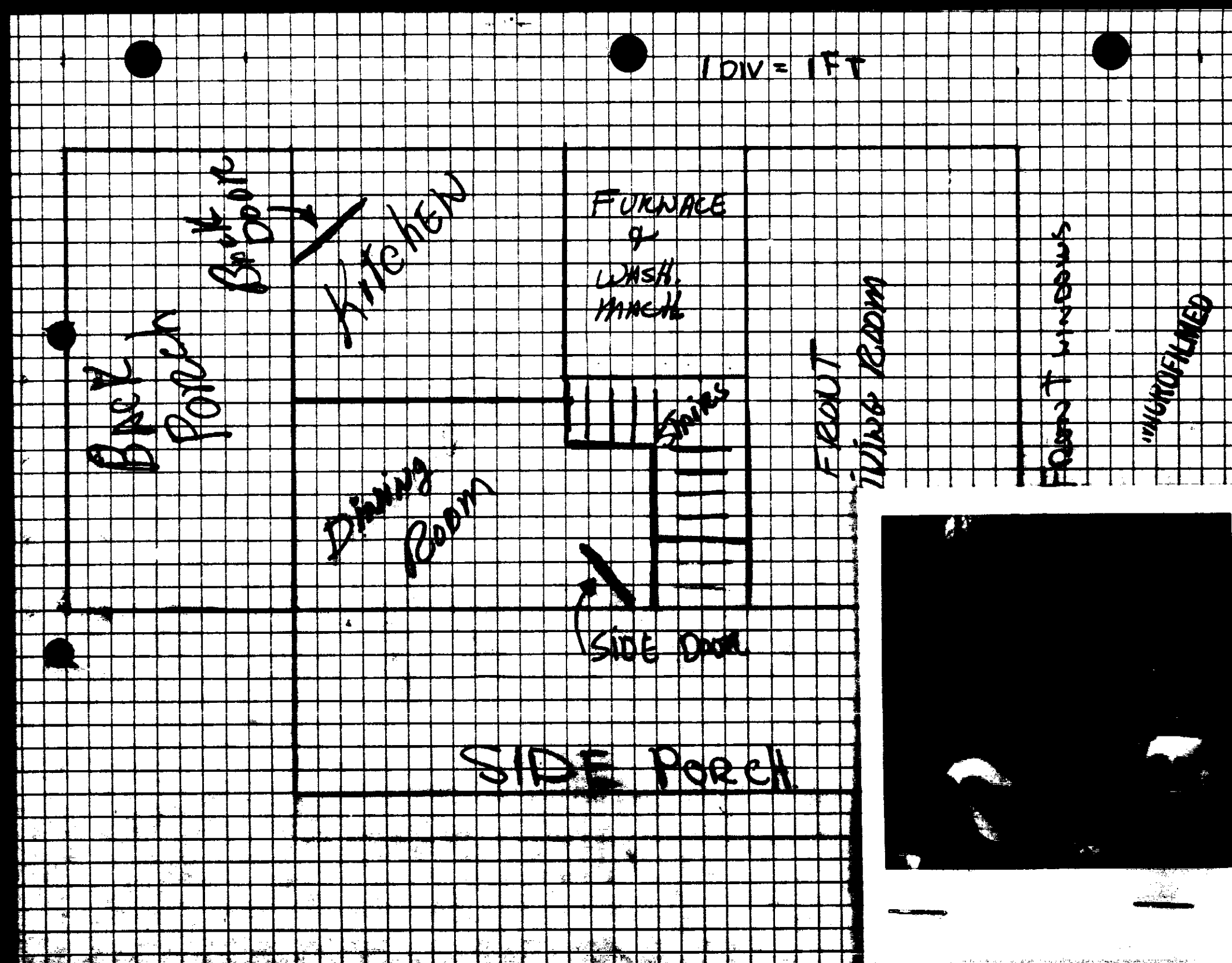
I/We, Ralph Nichols
() () () () () ()
() () () () () ()
Address: 1825 BLUEMOUNT RD
MONKTON MD 21111
City/Town/Zip Code: 357-8017

* which is located approximately 357-8017 feet from the property which is the subject of the above petition, do hereby formally request that a public hearing be set in this matter.

Signature: _____ Date: _____
Signature: _____ Date: _____

** More than 1000' from property.*

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92-448-A

92-448-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 2120 BLUEMOUNT RD., MONTGOMERY, MD.

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: FERN VALLEY
plat book# 41, folio# 098, lot# 0004, section# ---

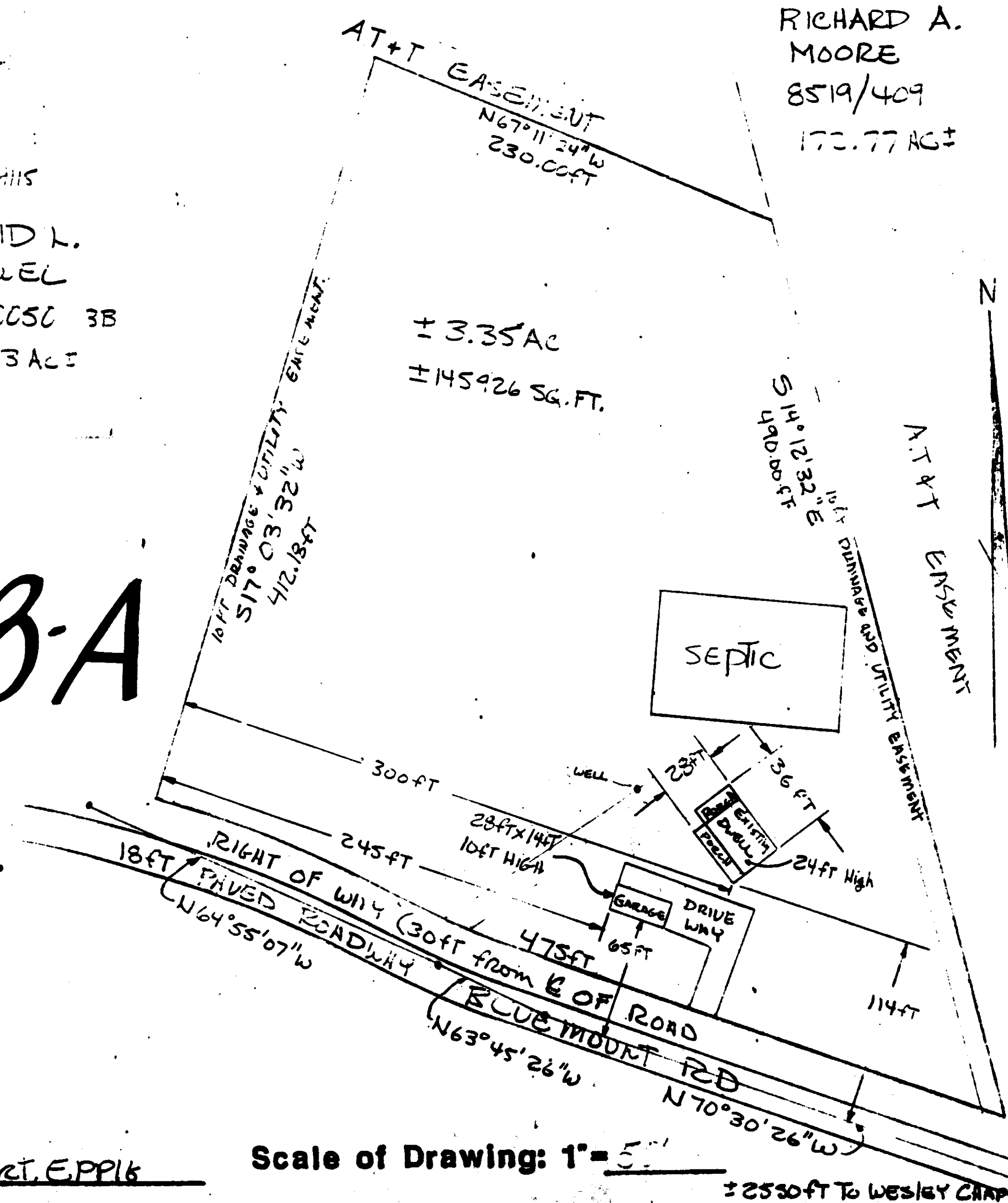
OWNER: ROBERT + SYLVIA EPPLE

POL #192
Said #8
MAP #23
PROP #2000001115

DAVID L.
DOWEL
7271/0050 3B
11.83 AC±

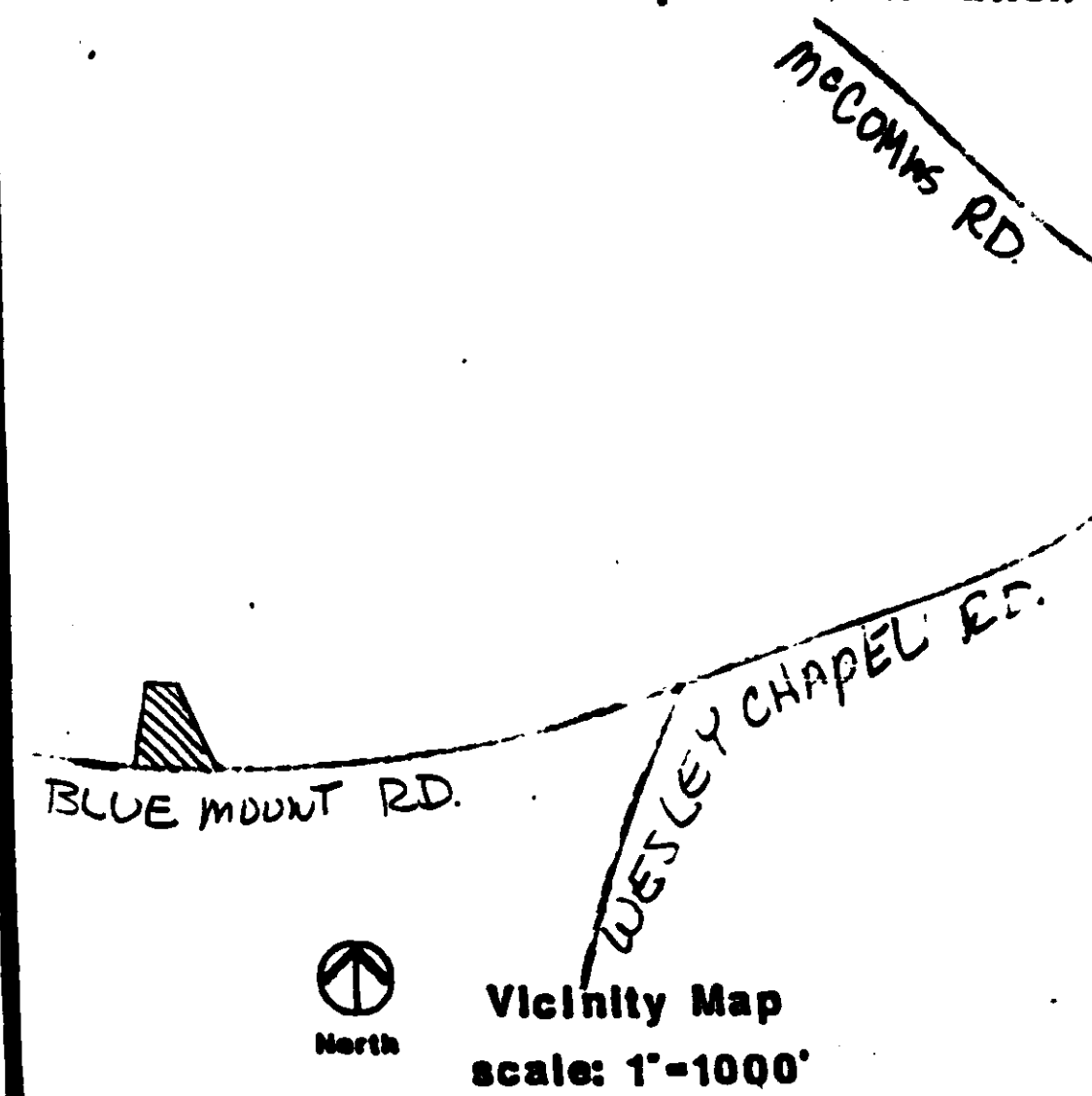
RICHARD A.
MOORE
8519/409
173.77 AC±

92-448-A



North
date: 5/8/92
prepared by: ROBERT EPPLE

Scale of Drawing: 1" = 5'



LOCATION INFORMATION

Councilmanic District: 3RD

Election District: NO. 10

1"=200' scale map#:

Zoning: RC 4

Lot size: ± 3.35 acreage ± 145926 square feet

Pet Ex #1
SEWER: ☐ public ☒ private
WATER: ☐ yes ☒ no

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings:

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Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

Pet Ex #2

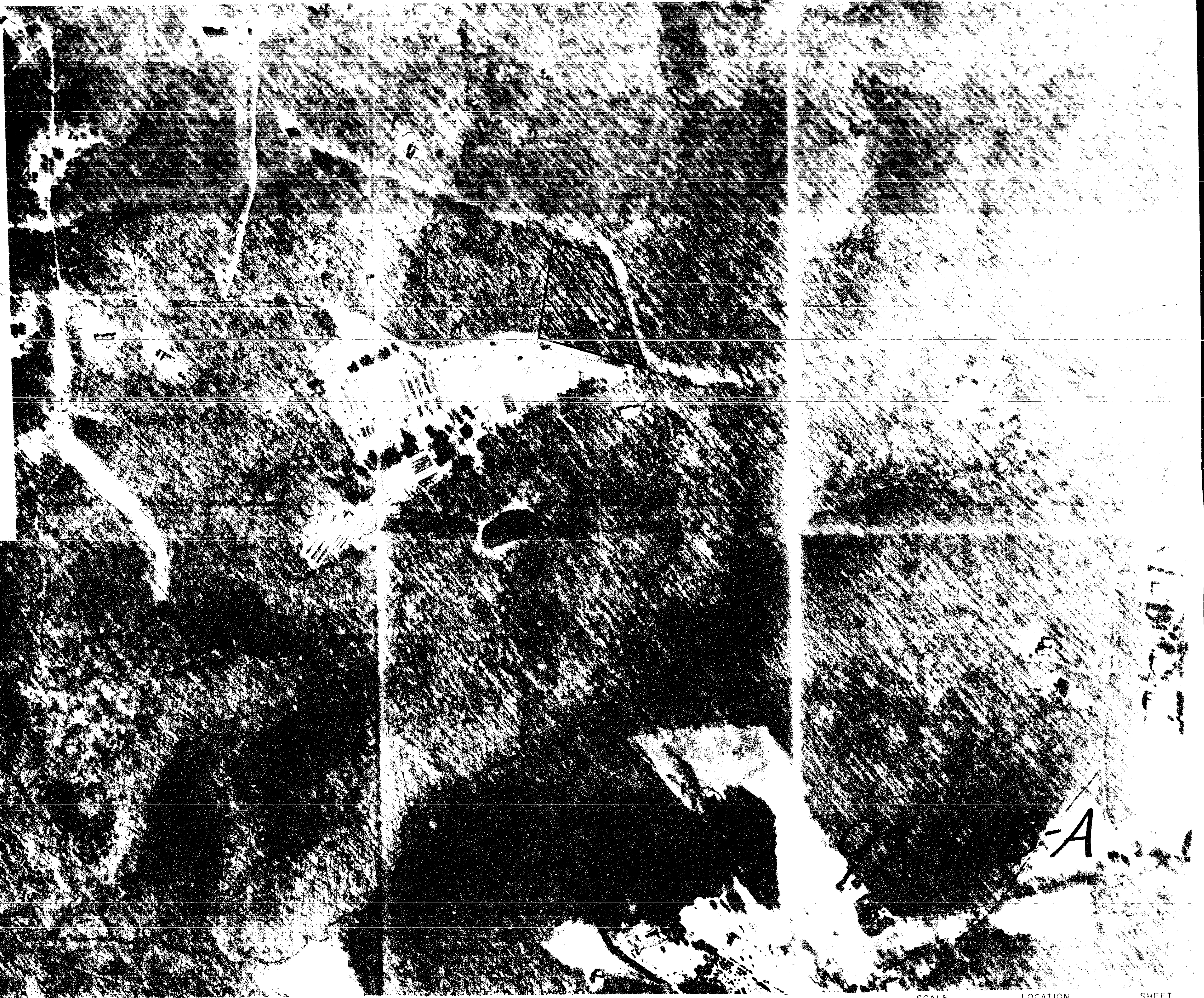
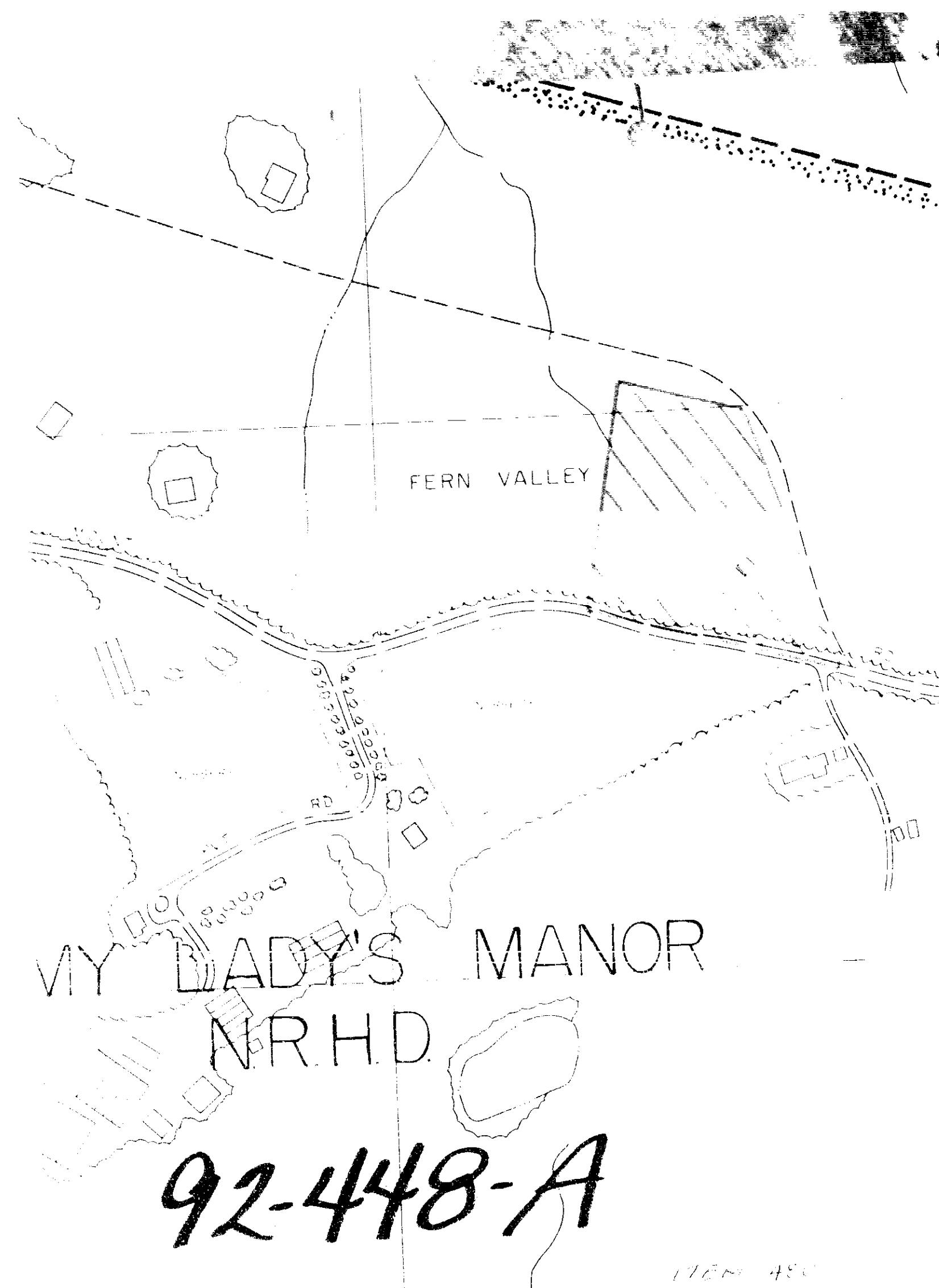
92-4

92-448-A

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BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200'	EAST OF	NE
DATE OF PHOTOGRAPHY	BLUE MOUNT	174
JANUARY		ITEM 480

MICROFILMED

IN RE: PETITION FOR ZONING VARIANCE
N/S Blue Mount Road, 2250' W
of Wesley Chapel Road
(2120 Blue Mount Road)
10th Election District
3rd Councilmanic District
Robert C. Eppig, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-448-A

AMENDED ORDER

The Petitioner herein requested a variance from Section 400.1 of the B.C.Z.R. to permit an existing accessory structure to be located in the front yard in lieu of the required rear yard in accordance with the plan submitted herein and identified as Petitioner's Exhibit 1.

The relief requested was granted, subject to restrictions, by Order issued September 10, 1992.

By letter dated September 22, 1992, the Petitioner expressed concern regarding certain wording used in describing the subject property and the improvements thereon and requested a modification/clarification thereof.

I will treat Mr. Eppig's letter as a Motion for Reconsideration. The purpose of Mr. Eppig's request was for clarification of some minor issues concerning his use of an existing accessory structure, namely a one-car garage.

NOW, THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of October, 1992 that in consideration of the Petitioner's request, the Order issued September 10, 1992 be and the same shall hereby be AMENDED as follows:

- 1) The accessory structure referred to in said Order is a one-car garage and not a two-car garage as was previously stated.

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2) The garage in question was of the pre-built type and was simply delivered to and placed upon the Petitioner's property as opposed to being constructed from scratch by the Petitioner.

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued September 10, 1992 shall remain in full force and effect and nothing contained therein shall be changed but for the wording stated above which was for purposes of clarification only.

Any appeal from this decision shall be made within thirty (30) days from the date of this Amended Order and not from the date of the original Order.

TMK:bjs

cc: Mr. & Mrs. Robert C. Eppig
2120 Blue Mount Road, Monkton, Md. 21111

Mr. Ralph Nichols
1825 Blue Mount Road, Monkton, Md. 21111

People's Counsel

File

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/14/92
By [Signature]

- 2 -

MICROFILMED

IN RE: PETITION FOR ZONING VARIANCE
N/S Blue Mount Road, 2250' W
of Wesley Chapel Road
(2120 Blue Mount Road)
10th Election District
3rd Councilmanic District
Robert C. Eppig, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-448-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the Legal Owners of the subject property, Robert C. and Sylvia W. Eppig. The Petitioners request relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (two-car garage) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1.

This request was originally filed through the Administrative Variance procedure during which time a request for hearing was filed by a nearby property owner.

The Petitioners appeared and testified. Also appearing on behalf of the Petition was Ross Miller. Appearing as a Protestant in the matter was Ralph Nichols, the nearby property owner who requested this hearing.

Testimony indicated that the subject property, known as 2120 Blue Mount Road, consists of 3.35 acres more or less, zoned R.C. 4 and is improved with a single family dwelling and detached garage which is the subject of this case. The Petitioners filed the instant Petition as a result of a zoning violation notice they received concerning their use of the property and the subject garage which is located in the front yard. Testimony indicated that the garage was constructed approximately two

ORDER RECEIVED FOR FILING
Date 11/14/92
By [Signature]

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years ago to provide protective storage space for the Petitioners' antique automobiles. The Petitioners testified that due to the topography of the land and the location of the existing dwelling and septic drainage field to the rear of the dwelling, the only practical location for the garage was at the end of an existing driveway in the front yard. Testimony indicated that the garage is well-buffered by trees due to the fact that the remainder of the property is heavily wooded.

Ralph Nichols appeared and testified in opposition to the Petitioners' request. Mr. Nichols resides approximately 1/2 mile away from the subject property. Mr. Nichols testified that he is opposed to the granting of this variance due to the fact that the garage is visible from Blue Mount Road. He further testified that the B.C.Z.R. require the rear yard placement of garages and that strict compliance must be required.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

ORDER RECEIVED FOR FILING
Date 11/14/92
By [Signature]

- 2 -

MICROFILMED

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the relief requested is not granted. To require the Petitioner to relocate the subject garage to the rear yard of his property would necessitate the removal of many mature trees as evidenced by various photographs marked Petitioner's Exhibit 2. Additionally, the Petitioners would have to extend their driveway a considerable distance to access the rear yard, again, necessitating the removal of many trees. Further, no adjoining property owners have complained regarding the subject garage which has been in existence for the past two years. Lastly, I find that the subject property, which is heavily wooded and located in a rural section of Baltimore County, is of sufficient size to support the subject garage. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

ORDER RECEIVED FOR FILING
Date 11/14/92
By [Signature]

- 3 -

MICROFILMED

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of September, 1992 that the Petition for Zoning Variance requesting relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (two-car garage) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted shall be rescinded and Petitioners would be required to file a new Petition.
- 2) The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) There shall be no service garage activity on the subject property, including, but not limited to, the restoration of antique vehicles. Use of said garage shall be limited to the storage of the Petitioners' personal vehicles only.
- 4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.
- 5) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/14/92
By [Signature]

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

September 10, 1992

(410) 887-4386

Mr. & Mrs. Robert C. Eppig
2120 Blue Mount Road
Monkton, Maryland 21111

RE: PETITION FOR ZONING VARIANCE
N/S Blue Mount Road, 2250' W of Wesley Chapel Road
(2120 Blue Mount Road)
10th Election District - 3rd Councilmanic District
Robert C. Eppig, et ux - Petitioners
Case No. 92-448-A

Dear Mr. & Mrs. Eppig:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Ralph Nichols
1825 Blue Mount Road, Monkton, Md. 21111

People's Counsel

File

File

MICROFILMED

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

400.1 - to permit an accessory building in the front yard.

of the Zoning Regulations of Baltimore County for the following reason: (unless hereby so stated)

Please see attached

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Current Purchaser:

(Type or print name)

(Signature)

Address

City State Zip Code

Address for Petitioner:

(Type or print name)

(Signature)

Address

City State Zip Code

Legal Owner(s)

Robert C. Eppig

[Signature]

Sylvia W. Eppig

(Type or print name)

[Signature]

2120 Blue Mount Rd

Monkton MD 21111

Phone 352-4009

Home, telephone and phone number of owner, contact person or person to be contacted.

Robert C. Eppig

[Signature]

2120 Blue Mount Rd

Monkton MD 21111

Phone 352-4009

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of September, 1992, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reported.



ZONING COMMISSIONER OF BALTIMORE COUNTY

APPROVED BY [Signature] DATE 11/14/92

APPROVED BY [Signature] DATE 11/14/92

APPROVED BY [Signature] DATE 11/14/92

ORDER RECEIVED FOR FILING
Date 11/14/92
By [Signature]

410-210

92-448-A AFFIDAVIT IN SUPPORT OF ADMINISTRATIVE VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) have consented to such variance in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 2120 Blue Mount Rd

Monkton MD 21111

That based upon personal knowledge, the following are the facts upon which I/we have the request for an Administrative Variance at the above address: (attach hereto a printed affidavit)

Please see attached

The Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Robert C. Eppig Sylvia W. Eppig
Robert C. Eppig Sylvia W. Eppig

I HEREBY CERTIFY, this 13 day of MAY, 1992, before me, a Notary Public of the State of Maryland, to and for the County aforesaid, personally appeared

Robert C. Eppig Sylvia W. Eppig

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal

5-13-92



MICROFILMED

92-448-A PETITION FOR ADMINISTRATIVE VARIANCE

at 2120 Blue Mount Rd
Monkton, MD 21111

by Robert and Sylvia Eppig

Reasons For Request:

1. The accessory building has been at this location for approximately 2 years.
2. The garage was placed on an existing bare area between large trees, that was due to a dry well drilled at time of construction of the house. Minimal grading was required for its placement. The process of moving it to any other location behind the house would require removing several very large and a number of smaller trees that are on the top and side of the hill. Extra grading would also be required, due to the hillside location of the back yard. Tree removal and grading go against the intent of the watershed designation of the property and would reduce the woodland environment of the house.
3. The septic system occupies a large area of the back yard near the house. There is also a development regulation requiring a 50' setback from the property boundaries for all buildings. Placing the structure in the rear of the house while avoiding the septic system and the 50' setback would place it unacceptably far from the road and the house.

MICROFILMED 480

92-448-A ZONING DESCRIPTION FOR 2120 BLUE MOUNT RD

Beginning at a point on the NORTH side of BLUE MOUNT RD. which is +/- 18 feet wide at the distance of +/- 2550 feet WEST of the centerline of the nearest improved intersecting street, WESLEY CHAPEL RD., which is +/- 28 feet wide. As recorded in Deed Liber #5976, Folio #4422 and include the measurements and directions here: S. 14° 12' 32" E. 490 ft., N. 67° 11' 24" W. 230 ft., S. 17° 03' 32" W. 412.18 ft., N. 64° 55' 07" W. 205.45 ft., N. 63° 45' 26" W. 68.71 ft., N. 70° 30' 26" E. 272.43 ft. to the place of beginning and containing +/- 3.358 ACRES. Also known as 2120 BLUE MOUNT RD. and located in the 19th Election District.

MICROFILMED

ITEM 480

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 92-1148-A Towson, Maryland

District 19th Date of Posting 5/28/92
Posted for: Robert C. Eppig, Sylvia W. Eppig
Location of property: N.E. Blue Mount Rd. (2120), 2550' W. Wesley Chapel Rd.
Location of Sign: Facing W. on W. side of property of R. Eppig
Remarks: None
Posted by: M. Schmitt Date of return: 6/1/92
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 7/17, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/16, 1992

THE JEFFERSONIAN,

S. Zake Orlov
Publisher

MICROFILMED

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6180
Number

5/19/92 199200480

PUBLIC HEARING FEES QTY PRICE

010 - ZONING VARIANCE CASE 1 \$50.00

080 - POSTING SIGNS / ADVERTISING 1 \$35.00

TOTAL \$85.00

LAST NAME OF OWNER: EPPIG

040480020NCHRC \$85.00
BA C00319PH05-14-92
Please Make Checks Payable To: Baltimore County

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 7/31/92

Robert and Sylvia Eppig
2120 Blue Mount Road
Monkton, Maryland 21111

RE: 92-448-A (Item 480)
N/E Blue Mount Road, 2550' W of Wesley Chapel Road
2120 Blue Mount Road
10th Election District - 3rd Councilmatic
Petitioner(s): Robert and Sylvia Eppig
HEARING: THURSDAY, AUGUST 6, 1992 at 9:00 a.m. in Rm. 106, Office Building.

Dear Petitioner(s):

Please be advised that \$ 61.93 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE HEARING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE ORDER SHALL NOT BE RETURNED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 106, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Carl John

ARNELO JAMAIN
DIRECTOR

MICROFILMED

111 West Chesapeake Avenue
Towson, MD 21204

May 28, 1992

887-3353

Robert and Sylvia Eppig
2120 Blue Mount Road
Monkton, Maryland 21111

Re: CASE NUMBER: 92-448-A
LOCATION: N/E Blue Mount Road, 2550' W of Wesley Chapel Road
2120 Blue Mount Road
10th Election District - 3rd Councilmatic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before May 31, 1992. The closing date is June 15, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schmitt
Lawrence E. Schmitt

Zoning Commissioner, Baltimore County

MICROFILMED

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 6, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

92-448-A (Item 480)
N/E Blue Mount Road, 2550' W of Wesley Chapel Road
2120 Blue Mount Road
10th Election District - 3rd Councilmatic
Petitioner(s): Robert and Sylvia Eppig
HEARING: THURSDAY, AUGUST 6, 1992 at 9:00 a.m. in Rm. 106, Office Building.

Variance to permit an accessory building in the front yard.

Lawrence E. Schmitt
Lawrence E. Schmitt

Zoning Commissioner of
Baltimore County

cc: Robert and Sylvia Eppig
Ralph Nichols

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

MICROFILMED

receipt

Account: R-001-6180
Number

92-448

5/19/92 199200480

PUBLIC HEARING FEES QTY PRICE

080 - POSTING SIGNS / ADVERTISING 1 X \$61.93

TOTAL: \$61.93

LAST NAME OF OWNER: EPPIG

Please Make Checks Payable To: Baltimore County \$61.93
BA C001141PH08-07-92

MICROFILMED

RECEIVED
JUN 16 1992
ZONING OFFICE